

REMARKS

Claims 1-8 are pending in the application. Claims 1-8 are rejected.

The present invention relates to a network apparatus for interconnecting a LAN and an ATM network. The apparatus includes routing information managing unit that manages routing information of the ATM network and statistical information managing unit for managing statistical information on traffic of the LAN and QoS setting unit for setting QoS which the ATM network ought to guarantee, based on the statistical information. The statistical information is on the LAN traffic.

In the Office Action claims 1-4 and 6-8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the applicant's admitted prior art (AAPA) in view of Elleson et al. (Elleson).

The Office Action asserts that the AAPA shows every feature of claims 1 and 8 except for the statistical information managing means and the quality of service setting means for setting the quality of service the ATM network should guarantee, based on the statistical information.

Applicant's claim 1 recites: QoS setting means for setting QoS which the ATM network ought to guarantee, based on the statistical information. The recited statistical information is statistical information on traffic of the LAN.

This is different from the prior art. The Office Action points to column 3, lines 11-21 of Elleson. However, this section of the cited reference only relates to an IP network which is designed to provide predictably in the network and account for fluctuations of traffic. There is no description of setting the quality of service in an ATM network based on the statistical information of a LAN.

Applicant's claim 1 also recites: QoS guarantee determining means for determining

based on the routing information whether or not the set QoS can be guaranteed; the QoS is set based on the statistical information of the LAN. The Office Action points to the admitted prior art, page 2, lines 16-24. This section of the specification describes the conventional techniques guaranteeing quality of service. However, what is described is a call connection is tried first according to set quality of service perimeters. There is no description in this part of the specification which describes determining what QoS can be guaranteed based on the routing information where the quality of service request is based on statistical information of a LAN link traffic.

The specification only suggests trying to establish a connection at a specific QoS and if it cannot be established backing down QoS until it can be established.

Further, the proposed combination of prior art is improper since there is no suggestion in any reference to make such a combination.

First applicant describes that the guarantee of quality of service mentioned above has a problem that they are not designed to guarantee quality of service in for example, LANE.

Second, there is no suggestion in the Ellesson reference that the method of controlling packet traffic in the IP network and performing traffic statistics may be applied to interconnecting an LAN and a ATM network.

The only such suggestion for the proposed combination is from applicant's own disclosure which is being improperly used against the applicant. The Examiner is using hindsight reconstruction.

Claim 8 recites similar distinguishing features as applicant's claim 1, therefore it is respectfully requested the rejection of applicant's independent claims 1 and 8 be withdrawn. Claims 2-4 and 6-7 depend from claim 1 and are likewise in condition for allowance for at least

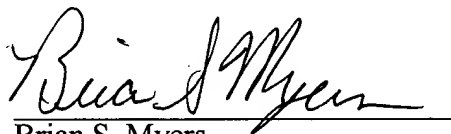
the reasons set forth above with respect to claim 1 and because they each recite additional distinguishing features.

Claim 5 is further rejected in view of Ellington, Jr. et al. However Ellington, Jr. et al. do not disclose the distinguishing features as set forth above with respect to claim 1, therefore it is respectfully requested the rejection of claim 5 be withdrawn.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,


Brian S. Myers
Reg. No. 46,947

CUSTOMER NUMBER 026304

Katten Muchin Zavis Rosenman
575 Madison Avenue
New York, NY 10022-2585
(212) 940-8703
Docket No.: FUJR 16.835 (100794-09765)
BSM:ad